

**Remarks:**

Applicants reply to the final Office action dated April 12, 2010 within two months. Claims 1-21 were pending in the application and the Examiner rejects claims 1-21. Applicants cancel claim 9 without prejudice to filing one or more claims having similar subject matter, in other applications. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

**Double Patenting**

The Examiner rejects claims 1-21 as being unpatentable over copending application No. 10/611,034. Applicants would be willing to terminally disclaim to the cited reference if doing so would result in the application being placed in condition for allowance. As such, when the Examiner agrees to allowable claims, Applicants respectfully request that the Examiner re-submit the request for a Terminal Disclaimer based on the pending claims at that time, if the Examiner still believes a Terminal Disclaimer is necessary.

**Rejection under 35 U.S.C. § 103(a)**

The Examiner rejects claims 1-5, 7, 10-16, 18 and 20 under 35 U.S.C. 103(a) as allegedly being unpatentable over Adams et al., U.S. Patent No. 7,389,256 B1, (“Adams”) in view of Berger et al., U.S. Patent Application No. 2002/0103752 A1 (“Berger”). The Examiner rejects claims 6 and 17 under 35 U.S.C. 103(a) as allegedly being unpatentable over Adams in view of Berger and in further view of Rose et al., U.S. Patent No. 5,757,917 (“Rose”). The Examiner rejects claims 8, 19 and 21 under 35 U.S.C. 103(a) as allegedly being unpatentable over Adams in view of Berger and in further view of Williams et al., U.S. Patent No. 5,815,657 (“Williams”). The Examiner rejects claims 9 under 35 U.S.C. 103(a) as allegedly being unpatentable over Adams in view of Campbell et al., U.S. Patent Application No. 2002/0023033 (“Campbell”). Applicants respectfully disagree with these rejections, but Applicants amend certain claims without prejudice or disclaimer in order to clarify the patentable aspects of certain claims and to expedite prosecution.

Adams generally teaches “a system and method for processing financial payments including a user terminal, an account processor, and a processing server.” (abstract) Adams specifically discloses a system for a “financial or payment processing institution [which] maintains multiple payment or other financial transaction accounting systems, especially loan payment systems.” (Col. 1, lines 15-

18, emphasis added.) Moreover, Adams discloses “tellers or other individuals who interact with customer account holders for the financial or payment processing institution setting aside the matter for operators to identify which payment system maintains the account associated with the customer’s payment.” (Col. 1, lines 25-34, emphasis added). Therefore, **Adams teaches what is generally known in the art, namely a financial payment processing institution identifying payment systems.**

Berger generally teaches “an e-commerce payment solution that enables individuals and low-volume merchants to conduct e-commerce with established electronic payment vehicles, such as credit cards, without resort to permanent payment processing accounts,” (abstract). However, Berger is silent to and thus does not disclose or contemplate at least “querying a directory of payment systems in an attempt to locate a payment system to process the transaction based at least in part upon the received payment criteria, wherein the querying is not performed by an acquiring bank,” as recited by independent claim 1 (emphasis added) and as similarly recited by independent claims 11 and 20.

Rose generally discloses “a method and system for use on a quasi-public network, such as the Internet, to enable users of the network to conduct commercial transactions involving a payment of funds by one user to another user of the network,” (abstract). However, Rose, similar to Berger above, is silent to and thus does not disclose or contemplate at least “querying a directory of payment systems in an attempt to locate a payment system to process the transaction based at least in part upon the received payment criteria, wherein the querying is not performed by an acquiring bank,” as recited by independent claim 1 (emphasis added) and as similarly recited by independent claims 11 and 20.

Williams generally teaches “an electronic monetary system provides for transactions utilizing an electronic-monetary system that emulates a wallet or a purse that is customarily used for keeping money, credit cards and other forms of payment organized,” (abstract). However, Williams is silent to and thus does not disclose or contemplate at least “querying a directory of payment systems in an attempt to locate a payment system to process the transaction based at least in part upon the received payment criteria, wherein the querying is not performed by an acquiring bank,” as recited by independent claim 1 (emphasis added) and as similarly recited by independent claims 11 and 20.

Campbell is offered by the Examiner on page 6 of the Office action to teach ranking matched criteria. The Examiner cites paragraph 115 and claim 5 of Campbell to illustrate ranking one proposal over other proposals. This is in contrast to “rating [the] information indicating the amount

of matching between the located payment system and the payment criteria,” as recited by independent claim 1 (emphasis added) and as similarly recited by independent claims 11 and 20. Ranking and providing a rating are not analogous.

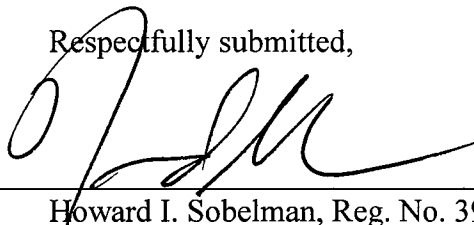
Berger, Rose, Williams, Campbell, either alone or in combination are not seen to disclose or contemplate what is lacking in Adams. Thus, the cited references either alone or in combination do not disclose or suggest at least “querying a directory of payment systems in an attempt to locate a payment system to process the transaction based at least in part upon the received payment criteria, wherein the querying is not performed by an acquiring bank,” as recited by independent claim 1 (emphasis added) and as similarly recited by independent claims 11 and 20.

Dependent claims 2-8, 10, 12-19 and 21 variously depend from independent claims 1, 11, and 20. Therefore, Applicants assert that dependent claims 2-8, 10, 12-19 and 21 are patentable for at least the same reasons stated above for differentiating independent claims 1, 11, and 21, as well as in view of their own respective features. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of dependent claims 2-8, 10, 12-19 and 21.

When a phrase similar to “at least one of A, B, or C” or “at least one of A, B, and C” is used in the claims or specification, Applicants intend the phrase to mean any of the following: (1) at least one of A; (2) at least one of B; (3) at least one of C; (4) at least one of A and at least one of B; (5) at least one of B and at least one of C; (6) at least one of A and at least one of C; or (7) at least one of A, at least one of B, and at least one of C.

Applicants respectfully submit that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814. Applicants invite the Examiner to telephone the undersigned, if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,



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